UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/610,487	06/30/2003	Eric J. Horvitz	M1103.70728US00	5330

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EXAMINER
ZAHR, ASHRAF A

ART UNIT	PAPER NUMBER
2175	

MAIL DATE	DELIVERY MODE
10/01/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _16 July 2009_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-13, 15-19, 21-23, 25-32 and 35-51_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) _1-13, 15-19, 32, 35-51_ is/are allowed.

6)☒ Claim(s) _21-23, 25-31_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

       1.☐ Certified copies of the priority documents have been received.

       2.☐ Certified copies of the priority documents have been received in Application No. _____.

       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

1.   A request for continued examination under 37 CFR 1.114, including the

fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection.

Since this application is eligible for continued examination under 37 CFR 1.114,

and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the

previous Office action has been withdrawn pursuant to 37 CFR 1.114.

Applicant's submission filed on 7/16/2009 has been entered.

Allowable Subject Matter

2.   Claims 1-13, 15-19, 32, 35-51 allowed.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for

all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described
> as set forth in section 102 of this title, if the differences between the subject matter sought to
> be patented and the prior art are such that the subject matter as a whole would have been
> obvious at the time the invention was made to a person having ordinary skill in the art to which
> said subject matter pertains. Patentability shall not be negatived by the manner in which the
> invention was made.

4.   Claims 21-23, 25-31 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Flickner et al., US 6,577,329 (Hereinafter, Flickner) in view of

Gorbet et al., US 6,542,163 (Hereinafter, Gorbet)

Regarding Claim 21, Flickner discloses, "a system embodied on a

computer readable storage medium that facilitates message processing by a

user". Specifically, a system 100 for viewing information and data which is interactive, with ticker-like interfaces (Flickner, col 2, ln 47-54).

Flickner also discloses, "comprising: means for automatically prioritizing a message". Specifically, ticker like interfaces (Flickner, col 2, ln 47-54).

Flickner also discloses, "means for summarizing the message". Specifically, ticker like interfaces (Flickner, col 2, ln 47-54).

Flickner also discloses, "means for determining user's current focus of attention" Specifically, eye-tracking enables the ticker system to enhance its usability by automatically providing additional relevant (and more detailed) information of the subject being viewed (Flickner, col 6, ln 55-65).

Gorbet also discloses, "means for dynamically locating the message in a user's workspace such that the distance between the message location and the user's focus of attention decreases with increasing message priority". Specifically, if true, the user is considered to be in an urgent mode and the conditions for displaying at least some of the lower priority tips could be disabled in the user profile based on their priority, while higher priority tip conditions would remain enabled (Gorbet, Col 13, ln 25-40). It would be obvious to one of ordinary skill at the time of the invention to combine Gorbet and Flickner. The motivation to do so would be facility will determine that a particular condition associated with the tip, is so urgent (high priority) and/or relevant that the tip icon will not be displayed (Gorbet, col 5 ln 10-25).

Regarding Claim 22, Flickner also discloses, "the system of claim 21, further comprising means for analyzing the user's activities in order to dynamically locate the message". Specifically, eye-tracking enables the ticker system to enhance its usability by automatically providing additional relevant (and more detailed) information of the subject being viewed (Flickner, col 6, ln 55-65).

Regarding Claim 23, Flickner discloses, "a method for automatically notifying a user, comprising: operating a processor to perform a method comprising automatically determining an output region for display of a message". Specifically, a system 100 for viewing information and data which is interactive, with ticker-like interfaces (Flickner, col 2, ln 47-54).

Gorbet also discloses, "automatically determining a priority for the message". Specifically, if true, the user is considered to be in an urgent mode and the conditions for displaying at least some of the lower priority tips could be disabled in the user profile based on their priority, while higher priority tip conditions would remain enabled (Gorbet, Col 13, ln 25-40).

Flickner also discloses, "automatically placing the message in the output region". Specifically, ticker like interfaces (Flickner, col 2, ln 47-54).

Flickner also discloses, "automatically determining a focus of attention of a user". Specifically, eye-tracking enables the ticker system to enhance its usability by automatically providing additional relevant (and more detailed) information of the subject being viewed (Flickner, col 6, ln 55-65).

Flickner also discloses, "automatically placing the output region in a default region of a workspace". Specifically, the bottom of the screen (Flickner, col 5, ln 22-25).

Gorbet and Flickner discloses dynamically moving the output region increasingly closer to the determined focus of attention in relation to the priority of the message as the priority increases, Specifically, if true, the user is considered to be in an urgent mode and the conditions for displaying at least some of the lower priority tips could be disabled in the user profile based on their priority, while higher priority tip conditions would remain enabled (Gorbet, Col 13, ln 25-40). It would be obvious to one of ordinary skill at the time of the invention to combine Gorbet and Flickner. The motivation to do so would be facility will determine that a particular condition associated with the tip, is so urgent (high priority) and/or relevant that the tip icon will not be displayed (Gorbet, col 5 ln 10-25).

Regarding Claim 25, Gorbet also discloses, "the method of claim 23, further comprising automatically locating the output region based upon the priority" Specifically, if true, the user is considered to be in an urgent mode and the conditions for displaying at least some of the lower priority tips could be disabled in the user profile based on their priority, while higher priority tip conditions would remain enabled (Gorbet, Col 13, ln 25-40).

Regarding Claim 26, Flickner and Hirosawa also discloses, "the method of claim 23 further comprising, automatically changing the appearance of the output region based upon at least one of the priority or the user's detected activities" Specifically, if true, the user is considered to be in an urgent mode and the conditions for displaying at least some of the lower priority tips could be disabled in the user profile based on their priority, while higher priority tip conditions would remain enabled (Gorbet, Col 13, ln 25-40).

Regarding Claim 27, Flickner also discloses, "the method of claim 23, further comprising automatically applying at least one control to dynamically change the output region". Specifically, another approach to using eye movement information with the ticker is to modify what is displayed by the ticker itself. For example, the ticker item may be displayed in a bolder font, an underlined font, an italicized font, with greater resolution, or the like, if the user is tracking it (Flickner, col 9, ln 20-30).

Flickner also discloses, "the at least one control associated with at least one of a position, a size, a content, an appearance, a sound, or a time". Specifically, another approach to using eye movement information with the ticker is to modify what is displayed by the ticker itself. For example, the ticker item may be displayed in a bolder font, an underlined font, an italicized font, with greater resolution, or the like, if the user is tracking it (Flickner, col 9, ln 20-30).

Regarding Claim 28, Flickner also discloses, "the method of claim 23, further comprising automatically summarizing the message prior to placing the message in the output region". Specifically, the ticker has levels of information (Flickner, col 6, ln 15-25).

Regarding Claim 30, Flickner also discloses, "the method of claim 23, the detected activities are determined in accordance with the model" (Flickner, col 5, ln 2-40).

Regarding Claim 31, Flickner also discloses, "the method of claim 30, the model processes at least one of a location, a visual pose, a calendar, a time, an appointment status, an acoustical signal, an application in focus, an inspection interval, an application usage pattern, or user device activity to determine an attentional focus of a user" (Flickner, col 5, ln 2-40).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ASHRAF ZAHR whose telephone number is (571)270-1973. The examiner can normally be reached on M-F 9:30 am - 6 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Bashore can be reached on (571)272-4088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from
the Patent Application Information Retrieval (PAIR) system. Status information
for published applications may be obtained from either Private PAIR or Public
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free). If you would like assistance from a USPTO Customer Service
Representative or access to the automated information system, call 800-786-
9199 (IN USA OR CANADA) or 571-272-1000.

AAZ 9/22/09
/TING LEE/
Primary Examiner, Art Unit 2173